

business. It is being called upon to produce the whole of its Auckland books for the last five years, and lay them on the table of this Committee. Well, the bank respectfully protests against that, and submits to the Committee that it ought not to be asked to do it. I gather from what has been said by an honourable member of the Committee that I was understood as declaring, on behalf of the bank, that it would not do anything of the kind. Nothing in the language that I used could bear that interpretation; at least, I hope not. In the passage to which the honourable member referred I began by saying, "The bank respectfully submits." I am asking, on behalf of the bank, that it should not be required by the Committee to do this. I have submitted that it is against the law, and I have submitted that, if not against the law, it is against all reason to ask the bank to lay upon the table of a Committee of this House its books and ledgers for the inspection of members. Mr. Hutchison pooh-poohs the argument that this is a legal proceeding, but I read the definition from the Act of 1880 as he did. The only word upon which he could rely as excluding it from legal proceedings is the word "civil." That this is a proceeding in which evidence is given, and that the widest language is used for that purpose, he did not himself deny. The Act of 1880, as I pointed out, besides this definition of a legal proceeding, goes on to define a Judge as something quite different from the Court before which the proceeding is heard. A "Judge" is a Judge of the Supreme Court of the colony. The Court is only defined as a Court for the purpose of the Act—for shortening the expression throughout the Act—and it means "the Court, Judge, Magistrate, arbitrator, or other person before whom a legal proceeding is held or taken"—"legal proceeding" being any civil or criminal proceeding or inquiry in which evidence may be given. Therefore the person before whom the legal proceeding may be taken may be a person other than a Court, other than a Judge, other than a Magistrate, other than an arbitrator, yet I am told that it is absurd for me to say that a Committee is a body of such persons. I submit that it was intended that this Committee and its proceedings should come within the provisions of the Act.

*Dr. Fitchett.*—If that be so, why is it necessary to mention "arbitrator"?

*Mr. Bell.*—Because arbitration is not a proceeding in which evidence can be taken by any authority of law, except it be a reference from the Supreme Court.

*Dr. Fitchett.*—Would the arbitration be arbitration under the Supreme Court Act of 1860?

*Mr. Bell.*—It includes any arbitration. An arbitrator may not look at copies: this statute authorises him to look at copies without referring to the originals. On the passing of the Act of 1887 it was provided that a banker should not be compellable to bring his books before a Court, except in proceedings to which he was a party, unless by a special order of a Judge—a Judge of the Supreme Court. Mr. Hutchison referred to the word "Court;" but, inasmuch as the word "Judge" means "Court," it means the Supreme Court. A Judge of the Supreme Court has to determine whether it be or be not necessary that the original books be produced. I should have thought that every one would see the reason for that enactment. It was not only the inconvenience to bankers in producing their original books; that was not the only reason. The chief reason which influenced those who promoted that legislation, both in England and here, was that a banker's books, which might be bandied about in a Court, contain the records of other persons' private matters. You may seal those books, you may tie them up, but by no process can you prevent an examination by curious persons; and those are the persons to be excluded from seeing those parts of a document which they have no right to look into. That was the object of the legislation of 1887. There was a twofold object, in favour of bankers and in favour of the public. Now this is to be disregarded to an extent which was never contemplated as being possible by the Legislature in 1887. The Committee is asked to disregard the interests of those whose entries were in the bank's books. The summons covers the whole of the books of the bank at Auckland, and practically all the books of the bank at Wellington. Those books are to be brought here, and the business of the bank is to be stopped. Now, of course I speak with the very greatest possible respect of the members of the Committee. I do not suggest that any member of the Committee would knowingly look into any matter which was not within the reference now submitted to it—I do not for a moment suggest that; but the thing might accidentally happen. It is still more desirable that others should not have access to see matters contained in documents which are to be piled up here. It is a question of physical dealing with the books, which might contain the records of important accounts. I do not happen to be in any way concerned with the bank, or to be a customer of the bank.

*The Chairman.*—They would contain my account.

*Mr. Bell.*—Of yourself and of others who might or might not desire that their accounts should be laid on the table of this Committee. I declare that the bank has no object in this but, first, its desire to carry on its business, which will be impossible if you take its books and compel them to be in your apartment here; and, secondly, its paramount duty to protect the secrecy which has been confided to it. I submit that the Shrewsbury Peerage case has not been distinguished by Mr. Hutchison in any sense. My learned friend, Mr. Hutchison, distinguished this case as a man does in a speech in the House, and not as counsel does in Court. I appeal to those members of the Committee who are acquainted with legal proceedings to say if my learned friend, Mr. Hutchison, dealt fairly with my argument upon this point. My learned friend read the head-note, which had nothing to do with the matter; and then he says to this Committee that what the Lords were there dealing with was a question of evidence, which had nothing to do with the question before the Committee. I never heard such an argument as that in answer to legal argument. I appeal to those members of my own profession who are members of the Committee whether they ever heard of an argument of that kind addressed to a judicial body on a question of principle.

*Mr. Hutchison.*—I also read portions of the report and the conclusions.

*Mr. Bell.*—He carefully avoided reading——. I beg pardon; he is a member of the House, and I ought not to say that.

*Mr. Hutchison.*—I do not object.

*Mr. Bell.*—I thought that he carefully avoided reading the passage which contained the